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ABSTRACT

The issue of corporal punishment of students in the elementary and secondary schools is examined in this paper. Included are a brief examination of the legal and cultural history of corporal punishment of children, a review of literature concerning parent and administrator attitudes toward corporal punishment, and a consideration of reasons for and against the practice. It is pointed out that although corporal punishment in schools is prohibited in much of Europe and in the Soviet Union, it is still accepted in all of the States in this country except New Jersey and Massachusetts. A number of studies on corporal punishment are briefly reviewed. Issues raised include the disproportionate application of the practice to poor, weak, or non English speaking children, parent attitudes toward punishment of their children in the schools, and the idea that corporal punishment teaches that the use of force is an acceptable means of solving problems. In addition, it is indicated that many experts feel that creative teachers can find more effective ways of enforcing discipline. The paper concludes with a list of guidelines for the legal administration of corporal punishment, and the observation that though most parents oppose the practice, school officials and teachers do not. (GC)

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A SURVEY OF THE LITERATURE ON THE ATTITUDES TOWARD THE ADMINISTRATION OF CORPORAL PUNISHMENT IN SCHOOLS

by Lucia Barba

Review of the Literature

The purpose of this paper is to determine the attitudes of parents toward the administration of corporal punishment in school. Only two previous studies have been made in Chicago and these dealt with the attitudes of Latino parents toward the administration of corporal punishment at home and in the school (Rodriguez, 1974; Rodriguez, 1978).

We can trace the history of the practice of corporal punishment in the United States back to the colonial period when the English family system was implanted in the colonies. Legally at least the husband and father was master of the family. Educational institutions reflected class prejudices and religious interest of our early society. Severity of discipline was the rule rather than the exception. The age-old tradition of the rod came to this country as an instument of restraint upon sin. Falk (1914) found it as an aid in learning (p. 19). Falk wrote that:

> Regardless of the character of the teacher or the nature of the school . . . the rod was the scepter of authority and was considered a necessary adjunct to the meager equipment of the school (p. 47).

After the American revolution, the general pattern of the new American culture was based on the ideas of democracy born

during the revolution. However, the traditional role of the child as a subordinate was too ingrained. The result was that the child had to wait until his majority to attain "liberty and the pursuit of happiness" (Falk, 1914). Some liberals began to suggest the possibilities of personal liberty for the child. Others objected to the stern discipline of the school.

Williams (1979) found that even in our literary heritage we can find sadistically humorous violence against children. She gives some examples: In the nursery rhyme "Rockaby, Baby" the child is the victim. In the jump rope song

> Down by the ocean, down by the sea, Johnny broke a milk bottle and blamed it on me. I told Ma, Ma told Pa, Johnny got a spanking, ha, ha, ha. How many spankings did he get?

And you were to continue counting/jumping until you missed. She felt that this was a manifestation of our deeply rooted Anglo-Saxon traditions.

It was not until 1866 that the state of New Jersey abolished corporal punishment in the school by statute (Falk, 1914).

But in 1878, a case was decided in Wisconsin which is often cited in the generally accepted theory of school discipline.

> While the principal or teacher in charge of a public school is subordinate to the school board or board of education in his district or city, and must enforce rules and regulations adopted by the board for the government of the school, and execute all its lawful orders in that behalf, he does not derive all his power and authority in the school and over his pupils from the affirmative action of the board. He stands for the time being <u>in loco parentis</u> to his pupils, and because of that relation he must necessarily exercise authority over them in many things . . . . (Falk, 1914).

Nonetheless, New Jersey remained the only state to abolish corporal punishment for more than a hundred years. In 1972, Massachusetts passed a similar law (Raichle, 1979).

The public schools in the United States appear to lag behind many European countries in regards to corporal punishment. Corporal punishment has been banned in Poland since 1783, in the Netherlands since 1850, in France since 1887, in Finland since 1890, and in Sweden since 1958. It is prohibited in the Soviet Union and almost all the other Communist bloc countries (Boonin, 1978). Since it is still practiced in Australia and Great Britain, we may assume that this is part of our Anglo-Saxon heritage.

It would seem that corporal punishment is an officially sanctioned form of institutionalized child abuse in the United States (Hyman and McDowell, 1979).

A number of recent court decisions has supported the use of corporal punishment in the United States schools.

The United States Supreme Court in Ingraham v. Wright in 1977 affirmed the authority of states to permit and regulate corporal punishment in public schools (Piele, 1978).

The United States Supreme Court in Ingraham v. Wright ruled that the cruel and unusual punishment provision of the Eighth Amendment does not apply to school children (Lee, 1979). It invoked "tradition" and "history" in its arguments (Piele, 1979). It also ruled that the Due Process Clause of the Fourteenth Amendment does not require notice and a hearing prior to the administration of corporal punishment (Schimmel and Fischer, 1978).

Justice Powell in the Goss v. Lopez case in 1975 stated that maintaining school discipline and teaching students to understand and obey rules is an essential part of education (Schimmel and Fischer, 1978).

In Baker v. Owen, the United States Supreme Court in considering the parental rights issue ruled that parents have a constitutionally protected right, under the Fourteenth Amendment's liberty interest, to determine and choose among the means of disciplining their children. The court also found, however, that

> the state had a countervailing interest in the maintenance of order in the schools sufficient to sustain the right of teachers and school officials to administer corporal punishment for disciplinary purposes despite parental objections (Gee and Sperry, 1979).

Essentially Ingraham v. Wright said that local boards may decide to keep corporal punishment as a disciplinary procedure if it is consistent with state law (Simpson and Dee, 1977). Subsequently there exists a variety of state laws on the administration of corporal punishment in schools.

Massachusetts and New Jersey to date alone clearly and functionally prohibit the use of corporal punishment in schools (Friedman and Hyman, 1979).

In their study, Friedman and Hyman (1979) found the following: Sixteen states are silent on the issue of corporal punishment. A minimum of twelve states leave the policy making up to the local school districts. Maryland abolished corporal punishment as a state-wide disciplinary measure. An article in its Public School Laws, 1977, clearly indicates that regardless of any regulation approved by the State Board of Education, administrators in twenty-one of its rural counties may use such disciplinary measures. Maine in 1976 says a student cannot be punished physically but physical force can be used to bring a disturbance under control or to remove a student who is causing a disturbance. New Mexico says

corporal punishment cannot be administered in presence of other students. Montana provides for a fine of not more than $100.00 to teachers who use undue or severe punishment. Washington has a similar clause. Georgia takes a contrasting view by exempting teachers and administrators who act in good faith from legal action.

California discourages use of corporal punishment by requiring prior written approval of pupil's parent or guardian (Lee, 1979). Louisiana, Oklahoma, Pennsylvania, and West Virginia definitely place the teacher in the position of the parents in exercising authority to control and discipline the child during the time he is in attendance at or on his way to and from school (Corporal Punishment: The Law, 1970).

Several cities have forbidden the use of corporal punishment: Chicago, Baltimore, New York, Philadelphia, and the District of Columbia (Piele, 1979). Also, Los Angeles and San Francisco (Friedman and Hyman, 1979).

As recently as 1975-1976, corporal punishment was used as a negotiating item in a Pennsylvania school system. After an eight week strike, the school board agreed to again vote to restore corporal punishment (Boonin, 1978).

A number of issues have been raised regarding the use of corporal punishment by school people. One of the questionnable assumptions is that corporal punishment is rarely abused, physical injury rarely occurs, and any such injury is minor (Bazar, 1978). Clinical psychologist Williams pointed out that physical punishment is applied to "the more vulnerable children," those who are younger and less capable of defending themselves (Bazar, 1978).

Hyman and McDowell (1979) found that a greater number of paddling occurred in schools with Title I funds where there is a large population of disadvantaged and minority students. It would seem that poor children are hit more often. It is sometimes held that hitting ghetto children is the only discipline they understand. They also found that 38 per cent of teachers who administer corporal punishment in grades 1-4 at large Title I schools have less than three years teaching experience.

Boonin (1978) sent questionnaires to all fifty state commissioners or superintendents of education. She found that in all cases where corporal punishment is used, it is rarely used on girls, and only with children in grades K-8. Students who are capable of striking back are treated more humanely.

Some additional issues are that a distinction has been made between physical force and self-defense. Neither of these could be defined as corporal punishment, since they are not performed for the purpose of correction or discipline. What if the teacher believes in striking the child, but the parent does not. Is that teacher going beyond the role of the parent? In Baker v. Owen, the Court ruled that school officials had the right to administer corporal punishment for disciplinary purposes despite parental objections (Gee and Sperry, 1978).

In a California case, the court suggested that parents who are opposed to corporal punishment must elect between the perceived benefit of a fundamental education and the perceived evils of corporal punishment (Piele, 1978).

Courts have recognized that if excessive punishment is inflicted, the teacher is answerable (NEA Research Bulletin, 1970).

On occasion there is another type of court case. Teachers can be dismissed for violating school board rules against inflicting physical punishment or cruelty in administering the punishment (Corporal Punishment: The Law, 1970).

Office of Civil Rights survey data indicated that physical punishment of white students decreases as they move from elementary to secondary school. But the data also confirm that there is no corresponding decrease for minority males or black females (Bazar, 1978).

The question must also be raised: Does the end justify the means? There are other ways to correct misbehavior or instill learning besides physical brutality. The respondents in the Boonin study found that children learn negative lessons from physical force. To inflict corporal punishment upon a child is to make the child regard that force is the accepted way. He learns to outwit the adult, to hate the adult. Also undesirable will be his attitude of fear and the perpetuation of the cycle of cruelty and intolerance.

The Task Force on Corporal Punishment of the National Education Association (1972) found that where corporal punishment is used regularly it is found to be no more of a deterrant than any other punishment. It also said:

> Because this is a time of increasing parent interest in what goes on in schools, the fact that some parents call for corporal punishment of their children carries special weight. Some schools may seem to show more concern for parent opinion in this matter than for good professional practice in regard to discipline, information, or student rights. The school professional staff, especially administrators, should accept responsibility for weighing parent demands and aceeding only to those that are educationally sound. As shown above, corporal punishment is not in that category; many other parent requests have equal or greater educational validity (p. 21).

Numerous cases of children being paddled against the wishes of their parents have been reported in the newsletter of the Movement to End Violence Against the Next Generation (Bazar, 1978).

Rodriguez (1974) in her study found that Latino parents have a tendency to administer corporal punishment with younger children, but the study indicated that most Latino parents ere against such practices in school. Interestingly enough, a significant number of parents expect the teacher to maintain discipline in the classroom.

In the Rodriguez 1978 study, parents also rejected the use of corporal punishment. The reason given for this was that the children because of their language limitations might not know the school rules and would unwittingly break them. It was further found that 78 per cent of the parents did not agree with the United States Supreme Court decision in Ingraham v. Wright.

Sixteen reasons were given by the Task Force on Corporal Punishment of the NEA to discontinue corporal punishment. Six are given here.

1. Physical punishment is not an effective way to maintain order; it usually has to be repeated over and over.
2. Physical punishment hinders learning.
3. Physical punishment is often a symptom of frustration rather than a disciplinary procedure.
4. Physical punishment does not develop self-discipline.
5. Physical punishment inflicted by educators is not comparable to that inflicted by parents.
6. The use of physical punishment inclines everyone in the school community to regard students as less than human and the school as dehumanizing (p. 7).

Lee (1979) asks that the public bring the struggle against the use of corporal punishment to local school boards, unions, state departments of education and state legislatures to try to enact legislation that prohibits or at least discourages the use of corporal punishment.

Good discipline is often synonomous with good teaching. Teachers and administrators are supposed to be facilitators of learning, not the coercers of facts (Hawkins, 1976). Part of their job is to help students to want to learn--not to punish them if they will not or cannot. Good teachers tend to be creative disciplinarians. Role of education in a free society is to enable young people to learn how to be free, independent citizens (Hentoff, 1973).

Falk (1914) said:

> The abolition of corporal punishment is contingent on a more intelligent and better-trained and better-selected teacher. A teacher who is emotionally balanced, who understands that education is a process whereby the individual recreates himself by engaging in what to him are meaningful experiences, and who is capable of guiding activities emerging from the children's individual interests along educationally fruitful lines will surely find no need for resorting to the infliction of pain as a means of school control (p. 146).

More recently, Hentoff (1973) discussing corporal punishment and his own reluctance to use it stated

> Although I am far from a master teacher, I have learned how to keep a class or discussion sufficiently arresting so that the kids themselves shush down a disturber of the peace.

Williams says that corporal punishment reflects the lack of imagination, laziness, and rigidity in schools that make little effort to implement the many alternatives to corporal punishment (McDaniel, 1976).

Hentoff (1973) believes that corporal punishment is damaging to children, the learning process, and those who inflict it. What demeans others demeans the person performing the act.

For some teachers, corporal punishment is an opportunity to express authority so it becomes an instrument of control rather than an instrument of learning (Hawkins, 1976).

Owens and Straus (1979) hypothize that the greater the incidence in childhood of children who observe violence, who carry out violent acts, and who are the victims of violence, the greater the approval of violence in adult life.

While most of the information seems to indicate that most persons involved, i.e., parents, teachers, school administrators, oppose corporal punishment, there are others who support its use.

An NEA study reported that two-thirds of the elementary school teachers and one-half of the secondary school teachers approve corporal punishment in the elementary and secondary schools (Corporal Punishment: Teacher Opinion, 1970).

According to the "Second Annual Survey of the Public's Attitude Toward the Public School," the public in 1970 cited discipline as the greatest problem of the schools in their own communities (Gallup, 1970). And in the same survey 66 per cent of the parents favored spanking.

Myron McKee, a high school principal in LaCrosse, Wisconsin, in order to solve school discipline problems, used a variety of methods (Haslanger, 1977). These included searching students' purses and pockets both on and off school property and enforcing

school rules for a three-block radius around the school. McKee punished students by making them do push-ups and "duck-walks." He personally went to truant students' homes to bring them to school. Physical confrontations with students followed. This approach led to the principal's subsequently being brought to court on charges of battery. Eventually, McKee was fired: the official reasons were insubordination and administrative failures, not his philosophy of discipline. That dodging of the main issue by the board angered the community even more. Within two weeks, 6,000 voters had signed recall petitions.

In polls, letters to the local paper, and the recall vote, the citizens of LaCrosse said they are willing to have students struck, subjected to searches, and hauled back to school from the surrounding neighborhood, if it would bring law and order to the schools (Haslanger, 1977).

Falk wrote in 1914 that corporal punishment is far less frequent and less severe now than at any time in our history (p. 123). He felt that regulations had to be established and that the following considerations had to be made

> Consent of the parent is necessary.
>
> Witnesses must be present during the infliction of the punishment.
>
> Consent of the superintendent (or parent).
>
> Corporal punishment is not to be inflicted in the presence of a class.
>
> A record must be made of every case of infliction of corporal punishment within a specified time.
>
> The principal is the only school official who may administer corporal punishment. (p. 128).

Simpson and Dee (1977) feel that there are plenty of clear-cut policies and guidelines on corporal punishment. They gave fifteen guidelines based on Ingraham and other laws developed over the years.

1. Check state laws.
2. Examine community attitudes.
3. Provide student handbooks.
4. Describe punishable offenses.
5. Define who may paddle.
6. Determine which students are exempt.
7. Avoid excesses.
8. Choose the instrument with care.
9. Know where to paddle.
10. Don't forget due process.
11. Have a witness present.
12. File a report.
13. Paddling should be by the same sex.
14. Be careful about off-campus incidents.
15. Avoid parent-teacher conflict.

The review of literature suggests that the administration of corporal punishment is a controversial subject. It shows that school administrators favor corporal punishment, parents do not.

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